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DATE: February 9, 2004

TO: TC Art Unit: 2873
 Confirmation No. 9252

Fax No.: (703) 872 9306

FROM: Beverly E. Hjorth

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Our File: MIOPT-010XX

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Sent by: Debbi

Application No. 10/656,905
 Filed Date: September 5, 2003

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FOR ENTRY

Enclosed for filing please find: Amendment Transmittal Sheet,
 Preliminary Amendment

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional
 filing fees associated with this communication or credit any overpayment.

Beverly E. Hjorth
 Attorney for Applicant: Beverly E. Hjorth
 Registration No. 32,033

3017

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Application No.: 10/656,905
 Filed: September 5, 2003
 TC Art Unit: 2873
 Confirmation No.: 9252

Rev 12/03

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP

Ten Post Office Square
 Boston, Massachusetts 02109
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Date: February 9, 2004

Via Facsimile
COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, VA 22313-1450

Attorney
 Docket No.: MIOPT-010XX

Sir:

In re application of: **MARK B. SPITZER ET AL.**Entitled: **BINOCULAR VIEWING SYSTEM**

Transmitted herewith is an preliminary amendment in the above-identified application. The following checked items are applicable:

- [] This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$ _____) per §1.17(e).
 [] Enter the unentered amendment previously filed on _____ per §1.116.
- [] A Petition for Extension of Time for ____ month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$ _____) per §1.17.
- [X] In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- [] _____ is hereby appointed Associate Attorney by:
 Registration No.: _____

Attorney of Record:

Registration No.: _____

[] Other:

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	4 - 4	= 0	x \$86.00 =	0
Total	87 - 87	= 0	x \$18.00 =	0
[] Multiple Dependent Claims (1st presentation)			+ \$290.00 =	0
			NET TOTAL ADDITIONAL FEE	0
Small Entity filing, divide by 2. Small Entity status must be asserted.				0
			NET TOTAL ADDITIONAL FEE	0

[X] No additional fee. [] The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$ _____) for the cost of same.

[X] The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to TC Art Unit 2873, Fax N . (703) 872 9306, on

February 9, 2004

Beverly E. Hjorth
 Attorney of Record: Beverly E. Hjorth

SUBMIT IN TRIPPLICATE
 PAGE 2/18 * RCVD AT 2/9/2004 11:57:29 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNST:8729306 * CSID:16174510313 * DURATION (mm:ss):04-08

FEB 09 2004

PATENT

Rev 12/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re application : Mark B. Spitzer et al.
Application No. : 10/656,905
Filed : September 5, 2003
Confirmation No. : 9252
For : BINOCULAR VIEWING SYSTEM
Examiner :
Attorney's Docket : MIOPT-010XX

TC Art Unit: 2873

I hereby certify that this correspondence is being sent via facsimile to TC Art Unit 2873, Fax No. (703)872 9306, on

February 9, 2004

By: Beverly E. Hjorth
Beverly E. Hjorth
Registration No. 32,033
Attorney for Applicants

PRELIMINARY AMENDMENT

Via Facsimile
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please amend the above-identified patent application as follows.